THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 15253 of 2007

Date: 17.07.2007

Between:

P. Naga Babu and another.

.. Petitioners.

And

The A.P. Forest Development Corporation Ltd.,
Rep. by its Divisional manager, Lakshmidevipalli,
Kothagudem, Khammam District.

..

.. Respondent.

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 15253 of 2007

Order:

Questioning the action of the respondent in restricting the recruitment for the post of Assistant Plantation Manager only for the

candidates sponsored by the Employment Exchange and going to conduct interviews on 18.07.2007, the petitioners filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

The apex Court in ***Excise Supdt. Malkapatnam V., K.B.N. Visweshwara Rao***[1] held that restricting the selection only to the candidates sponsored by employment exchange is not proper. The operative portion of the said judgment reads thus:

> "Having regard to the respective contentions, we are of the view that contention of the respondents is more acceptable which would be consistent with the principles of fair play, justice and equal opportunity. It is common knowledge that many a candidate is unable to have the names sponsored, though their names are either registered or are waiting to be registered in the employment exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the employment exchange. Under these circumstances, many a deserving candidate is deprived of the right to be considered for appointment to a post under the State. Better view appears to be that it should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate department or undertaking or establishment should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins; and then consider the cases of all the candidates who have applied. If this procedure is adopted, fair play would be subserved. The equality of opportunity in the matter of employment would be available to all eligible candidates."

The learned Standing Counsel for the respondent fairly admitted that the respondent cannot refuse the petitioners to attend the

interview on the ground that they are not having Employment Registration Card and that their names have not been sponsored by the Employment Exchange and that such an action is contrary to the aforesaid judgment of the Supreme Court.

In view of the stand taken by the respondent, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to permit the petitioners to participate in the interview to be conducted on 18.07.2007 along with other candidates, without insisting that their names should be sponsored by the Employment Exchange.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 17th July, 2007.
Note:
Issue wire at party's cost.
(B/o)
KSR

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1 (1996) 6 Supreme Court Cases 216